



## **NASA OFFICE OF INSPECTOR GENERAL**

### **OFFICE OF MANAGEMENT AND PLANNING**

SUITE 8U71, 300 E ST SW  
WASHINGTON, D.C. 20546-0001

**AUG 19 2019**

Ms. Emma Best  
MuckRock News  
DEPT MR 74894  
411A Highland Ave  
Somerville, MA 02144-2516  
E-mail: 74894-24567586@requests.muckrock.com

Re: Freedom of Information Act (FOIA) Request #19-OIG-F-00574/2019-41

Dear Ms. Best:

This letter concerns a June 5, 2019, Freedom of Information Act (FOIA) request that you submitted to the NASA Office of Inspector General (OIG). This FOIA request was assigned tracking #19-OIG-F-00574/2019-41. Pursuant to the FOIA (5 U.S.C. § 552), you requested NASA OIG records described as follows:

Copies of records mentioning or describing audits, reviews, investigations or reports regarding the agency's cyber security, including audits or investigations regarding the state of the agency's cyber security regarding potential attacks as well as audits and investigations conducted in the wake of a suspected or actual cyber attack, hacking incident or breach. Please include materials generated between 1 January 1996 and 30 June 2016.

Section (a)(3) of the FOIA provides that, subject to several conditions and exceptions, Federal agencies are obligated to promptly disclose records to any person upon request. One statutory condition of that obligation is that the request submitted to the agency, must "reasonably describe" the records being requested. Courts interpreting the "reasonably describe" requirement have held that an agency need not honor a request that requires "an unreasonably burdensome search."<sup>1</sup> Agencies are under no obligation to respond to FOIA requests that would "require the

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<sup>1</sup> *Am. Fed'n of Gov't Emps., Local 2782 v. U.S. Dep't of Commerce*, 907 F.2d 203, 209 (D.C. Cir. 1990), quoting *Goland v. CIA*, 607 F.2d 339, 353 (D.C. Cir. 1978)).

agency to locate, review, redact, and arrange for the inspection of a vast quantity of material.”<sup>2</sup> FOIA requests that seek “every scrap of paper wherever located within the agency” relating to a broadly defined subject do not reasonably describe the records sought.<sup>3</sup> Likewise, requests for “anything relating to” a broad topic or set of topics do not meet the standard of specificity required in FOIA requests.<sup>4</sup>

Because your request for essentially all NASA OIG records on the broad topic of “cyber security” covering a period of 20 years and 6 months clearly fails to reasonably describe the records you seek, as legally required, your FOIA request is denied.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may contact our FOIA Public Liaison, Francis P. LaRocca at 202-358-2575 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

You also have the right to appeal this initial determination to the Deputy Inspector General. Pursuant to 14 CFR §1206.700(b), the appeal must (1) be in writing; (2) be addressed to the following:

NASA, Office of Inspector General  
Headquarters  
300 E Street, SW, Suite 8V39  
Washington, D.C. 20546-0001  
Attn: George A. Scott, Deputy Inspector General;

(3) be identified clearly on the envelope and in the letter as “Freedom of Information Act Appeal”; (4) include a copy of the request for the Agency record and a copy of the adverse initial determination; (5) to the extent possible, state the reasons why the requester believes the adverse

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<sup>2</sup> *Am. Fed’n of Gov’t Emps.*, 907 F.2d at 209.

<sup>3</sup> *Gaunce v. Burnett*, No. 85-5995, 1988 WL 63760, at \*1 (9th Cir. June 9, 1988).

<sup>4</sup> *Freedom Watch, Inc. v. CIA*, 895 F. Supp. 2d 221, 228–29 (D.D.C. 2012); *Massachusetts v. U.S. Dep’t of Health & Human Servs.*, 727 F. Supp. 35, 36 n.2 (D. Mass. 1989).

initial determination should be reversed; and (6) must be postmarked and sent to the Deputy Inspector General within 90 calendar days of the date of receipt of the initial determination.

Sincerely,

A handwritten signature in blue ink, appearing to read "R.W. Weiland". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ross W. Weiland  
Assistant Inspector General for Management & Planning  
OIG FOIA Officer – Management & Planning